

Mr. MERRICK then acquiesced in the decision of the Chair, and gave notice that he would hereafter move to amend said report by striking out all the first part of the second section, down to the word "rule," in the fifth line, and inserting in lieu thereof the following:

"The members of the House of Delegates, shall be apportioned to the several counties of the State, and the city of Baltimore in conformity with the following rule."

The question was then declared to be on the substitute of Mr. SCHLEY.

Mr. JOHN NEWCOMER called for a division of the question, but withdrew the motion.

Mr. SCHLEY called for the yeas and nays on his amendment, which were ordered.

Mr. BISER called for the reading of the proposition, (which was read.)

Mr. CHAMBERS, of Kent. I understand the question is on the adoption of the proposition of the gentleman from Washington, (Mr. Schley.)

The CHAIR. It is.

Mr. JOHN NEWCOMER. I renew my call for a division of the question.

Mr. MERRICK. The Chair will now see the effect of the interpretation given to the rule.

Some conversation followed as to the precise condition of the question on the part of Messrs. MERRICK, BISER and McLANE.

Mr. HOWARD suggested to the gentleman from Washington, (Mr. John Newcomer,) that the matter would be much simplified if the gentleman would withdraw his call for a division.

Mr. CHAMBERS, of Kent, explained that no possible advantage could result from insisting upon a division.

Mr. JOHN NEWCOMER again withdrew his call for a division.

The question was again stated to be on the amendment of Mr. SCHLEY.

Mr. BUCHANAN called for the reading of the proposition, which was again read.

Mr. TUCK. Before the vote is taken, I desire to put a question to the gentleman from Washington, (Mr. Schley.) Is this proposition predicated upon the gross population, or upon federal number?

Mr. SCHLEY. On federal numbers.

Mr. TUCK said:

He rose to protest *in limine* against the adoption of any such basis as that now presented. He would not vote for any plan of representation predicated on federal numbers alone. He could not do so without outraging the sentiment of his constituents, and doing violence to their interests. He considered that it was a general understanding months ago, that on this question there would be no distinction between the slave and free—the black and white—but that the gross population should be taken into the computation of numbers; and that whatever compromise was made it would be on this basis, as far as numbers were concerned. Some weeks ago when the reports were made by the committee on representation, a gentleman from Baltimore, [Mr. Fressman], in strong terms denounced the plan of the gentleman from Kent, [Mr. Chambers], as

improperly and unjustly including blacks as well as whites; and he said that this basis was not recognized in the Constitution of any State of the Union.

Mr. GWINN said that the impression of his colleague was wrong, as several States had the mixed basis—as South Carolina, Georgia, and two or three others.

Mr. TUCK resumed. He had examined the State Constitutions with reference to this very question; and was about to remark, when interrupted, that he did not at the time understand Mr. P. as speaking with precise accuracy but from his general recollections of the facts—the debate having so suddenly sprung up that it could hardly have been otherwise. Nor had he referred to it for the purpose merely of signaling the mistake of the gentleman from Baltimore city, but to show that even if he was not greatly mistaken on that point, it was evident from an examination of the Constitutions, that there is no settled rule or principle among the States on the question of representation.

In North Carolina the rule of federal numbers prevails. In Georgia the House of Delegates is based on the number of free whites and three-fifths of all the blacks—not on the whites, free blacks and three-fifths of slaves, which is the rule of federal numbers. In the State of Florida the representation is based on the number of whites and three-fifths of the slaves, excluding the free blacks. In thirty States, (excluding California,) there are fourteen different modes of representation, and not more than five States have adopted the same rule, nor have any two of these applied the rule in the same manner. In some the delegates are apportioned according to the number of qualified voters; in others, upon gross numbers; in others, according to the number of taxable inhabitants; in others, according to the number of free males, and other modes prevail in other States. They appear to have acted on the leading cardinal doctrine of republican governments "that the welfare and happiness of the greatest number must be consulted and promoted with the least possible injury to the smallest number." If the authority of persons in high places can have weight, he could refer to the inaugural address of the present Governor, who may be deemed sufficiently orthodox by some in this body. This principle was enunciated and approved by him. It is the true doctrine, and all rules for the arrangement of the powers of government, must be subordinate to this high purpose. We need not go to the Carolinas or other States for rules on this subject. If our situation and diversity of interests require a rule peculiar to ourselves, we can adopt a basis of representation or other policy in accordance with it, without doing violence to any republican principle.

We have different, if not conflicting interests; agitating questions may arise; our duty is to preserve harmony, reconcile differences, and promote the welfare and happiness of all sections of the State. The agricultural, farming, planting, commercial, and manufacturing sections are all entitled to protection. Their pursuits and inter-